

REPORT

Of the Committee on Foreign Relations, on the petition of Henry Cotheal, David Cotheal, and Abraham S. Hallett.

JANUARY 12, 1824.

Read, and ordered to lie upon the table.

The Committee of Foreign Relations, to whom was referred the petition of Henry Cotheal, David Cotheal, and Abraham S. Hallett,

REPORT:

That, it appears, by the documents accompanying the petition, that the schooner *Mosquito*, captain Teft, loaded with a cargo, the property of the petitioners, citizens of the United States, was captured on a voyage from St. Andrews to New York, by the Spanish privateer *Fortuna*, captain Antonio Peyro, of Porto Rico. The schooner was carried first into Aquadilla, a port of the Island of Porto Rico; where a portion of the cargo was plundered by the prize crew, and from thence, with the residue of the cargo, she was carried to St. Johns, in the same Island, and there condemned as lawful prize to the captors. From this decision, an appeal to the superior tribunal of the Island of Cuba has been made.

The conduct of the captain and crew of the privateer seems to have been both wanton and fraudulent. The captain of the schooner was grossly ill-treated; compelled by threats to sign a declaration written on board the privateer, in the Spanish language, of which he is ignorant, and without receiving such an explanation of its contents as enabled him to understand it; after his signature was fixed to this paper, of the contents of which he is still ignorant, the first occasion that offered was taken to separate him from the property under his care; he was put on board a vessel bound to Curacao.

The mate, who, in the captain's absence, was the guardian of the rights of the owners of the vessel and cargo, was detained on board the schooner, from the 17th August, the day she reached St. Johns, until the 23d of the same month, and not permitted during that time to have communication with the shore.

The grounds upon which the vessel and cargo were condemned, the Committee cannot state accurately to the House, copies of the documents in the cause not having been furnished by the petitioners, as they allege, because, copies could not be procured from the Spanish authorities in Porto Rico; but, as far as they are informed, there was no justifiable cause of condemnation. The condemnation is stated to have been founded upon two circumstances: that the schooner had no clearance from St. Andrews, and had a gun on board, not mentioned in her papers. The first was inevitable, as there is said to be no custom-house at St. Andrews; and the second, admitting the fact, which is denied by the owners, was susceptible of satisfactory explanation: the gun was carried as a defence against the pirates infesting the seas she was navigating. As the expectation that the superior tribunal of Cuba will speedily do justice to the owners of the vessel and cargo may be rationally indulged, the Committee are of opinion, that it is not expedient to act further on the subject. They propose, therefore, the following resolution:

Resolved, That the Committee on Foreign Relations be discharged from the further consideration of the petition of Henry Cotheal, David Cotheal, and Abraham S. Hallett, and that the petitioners have leave to withdraw their petition, and the documents presented with it.